

REMARKS

Claims 1-6 and 8-12 are currently pending in the application. No new matter has been added.

The claimed invention provides a web site that provides certification of products and services sold over the Internet by serving as a portal to obtain products or services from providers whose claims have been verified by the portal web site. As shown in Figure 1, the portal web site has a web page roughly divided into three parts: a central part 11 in which various advertisements are posted, a customer part 12 in which customers may search the portal web site, or send e-mail to the portal web site, and a provider part 13 in which client providers can register, log on, inquire about status, and obtain account information. As shown in Figure 2, candidate providers may be solicited in step 21. A candidate provider may respond with a list of claims for its product or service in step 22. A contract may be established in step 23 to establish rights and liabilities between the portal web site and the candidate provider. Once a contract has been established, claims are verified in step 24. Claims that have been verified may be posted on the portal web site in step 25.

Claims 1-6 and 8-12 were rejected under 35 U.S.C. § 103(a) as suggested by policies of the Better Business Bureau (PTO-892, Item U) ("BBB") in view of policies of PR Newswire (PTO-892, Item V) ("PRN"). Applicants respectfully traverse on the basis that any combination of BBB with PRN would not suggest the features of the claimed invention. For example, while the application compares certification according to the claimed invention with certification in "bricks and mortar businesses" by groups such as Underwriters Laboratories ("UL") and Good Housekeeping ("GH"), there is no basis on which to conclude that membership in BBB or PRN would be a substitute for UL or GH certification. Applicants also traverse on the basis that, as demonstrated in the discussion of the Examiner's response to Applicants' arguments from the previous office action, below, the rejection is based on impermissible hindsight as well as an improper assertion

of technical fact in an area of esoteric technology without support by citation of any reference work. *See* M.P.E.P. § 2144.03, citing *In re Ahlert*, 424 F.2d 1088, 1091, 165 U.S.P.Q. 418, 422-21 (C.C.P.A. 1970).

For the most part, the Examiner reiterates arguments made in the previous office action to support rejection. The Examiner has, however, responded to Applicants' arguments as set forth below:

- Provides objective measures: The Examiner maintains the rebuttal filed in Paper #20040907 and firmly believes BBB in view of PRN teaches and/or suggests providing objective measures. BBB and PRN teach certification at the product level and certification compliance to performance standards. The Examiner views certifying a product to comply with a standard the same as certifying the claim to be true. For instance, Product A complies with the required +10.0% volt-dc margin test for high voltage based on a nominal voltage of 10.0 volts DC. It is true that Product A can operate at 11.0 volts.

(Office Action at 2) Applicants submit that the certification of claims, as disclosed by Claim 1, is by definition not the same as certifying compliance with a standard, especially insofar as the claim specifies "said one or more claims being verifiable by objective measures being different from established industry standards" (Claim 1, lines 6-8) The Examiner also responded to Applicants' arguments:

- Guaranteeing satisfaction: The Examiner is satisfied that BBB and PRN teach and/or suggest striving to achieve customer satisfaction. For years, companies have been pitching customer satisfaction (e.g., "Satisfaction or money back") that are rooted [sic] in providing objective measures by which to judge customer satisfaction (e.g. does it work as advertised?).

(Office Action at 3) Applicants submit that "pitching customer satisfaction" is not analogous to, and does not suggest, providing a "contract with [a] provider [which] establishes guarantees by the provider of continued compliance with the certification, and provides remedies in case of violations by the provider." (Claim 5, lines 2-4) The

Examiner further responded to Applicants' arguments:

- Searching: [T]he Applicant is claiming an invention relying [sic] upon distributed computing architecture and features of the World Wide Web (e.g. hypertext markup language) yet bases arguments critical of the distributed architecture relied upon by the instant claims. [sic] To the user, BBB provides the access means to electronically link to distributed information.

(Office Action at 2-3) The Examiner has not provided any citation to support the assertion that BBB provides "customers with a search engine for searching the database for certified products and services in the database" (Claim 3, lines 5-6; Claim 9, lines 5-6) either with or without the capability to respond "to key words and phrases entered by customers by searching the data base for certifications of product or service claims" (Claim 4, lines 2-3; Claim 10, lines 2-3) The BBB cannot do so because its policies do not suggest certification as disclosed by the claimed invention.

Otherwise, the Examiner's discussion of the basis for rejecting Claims 1-6 and 8-12 under 35 U.S.C. § 103(a) repeats the discussion of the rejection of the same claims in the previous office action. The most significant change in that discussion appears to be the deletion of the heading "Product or service level certification" which had appeared at page 9 of the previous office action. Applicants therefore incorporate by reference the response to the previous office action as if fully restated herein and traverse on the same basis as discussed in the response to the previous office action.

Conclusion

In view of the foregoing, Applicants submit that Claims 1-6 and 8-12 are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed.

Applicants hereby make a written conditional petition for extension of time, if required. Please charge any deficiencies in fees and credit any overpayment of fees to Applicants' Deposit Account No. 50-0510 (IBM Corporation).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael E. Whitham', written in a cursive style.

Michael E. Whitham
Registration No. 32,635

Whitham, Curtis & Christofferson, P.C.
11491 Sunset Hills Road, Suite 340
Reston, Virginia 20190
Tel. (703) 787-9400
Fax. (703) 787-7557